

AMENDED IN ASSEMBLY APRIL 30, 2012

AMENDED IN ASSEMBLY APRIL 16, 2012

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2146

Introduced by Assembly Member Cook
(Coauthors: Assembly Members *Donnelly*, *Jeffries*, *Nestande*, and
***Portantino*)**

February 23, 2012

An act to add *and repeal* Section 83123.5 ~~to~~ of the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

AB 2146, as amended, Cook. Political Reform Act of 1974: local campaign reform: County of San Bernardino.

The Political Reform Act of 1974 establishes the Fair Political Practices Commission, which has the primary responsibility for the impartial, effective administration and implementation of the act, including acting as the civil prosecutor responsible for the enforcement of the penalty provisions of the act.

This bill would, upon mutual agreement between the Fair Political Practices Commission and the Board of Supervisors of the County of San Bernardino, authorize the Commission to have primary responsibility for the impartial, effective administration, implementation, and enforcement of a local campaign finance reform ordinance of the County of San Bernardino. The bill would authorize the Commission to investigate possible violations of the local county campaign finance reform ordinance and bring administrative actions against persons who

violate the ordinance, as specified. The bill would require the Board of Supervisors of the County of San Bernardino to consult with the Commission prior to adopting and amending any local campaign finance reform ordinance that is subsequently enforced by the Commission. The bill would specify that the Board of Supervisors of the County of San Bernardino and the Commission may enter into any agreements necessary and appropriate for the operation of these provisions, including agreements for reimbursement of state costs with county funds, *as specified*. The bill would provide that the Board of Supervisors of the County of San Bernardino or the Commission may, at any time, by ordinance or resolution, terminate any agreement for the Commission to administer, implement, or enforce the local campaign finance reform ordinance or any provision thereof.

The bill would require the Commission to report to the Legislature with specified information on or before January 1, 2017, if the Commission enters into an agreement with the Board of Supervisors of the County of San Bernardino.

This bill would repeal its provisions on January 1, 2018, as specified.

The bill would make legislative findings and declarations concerning the need for special legislation.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes upon a $\frac{2}{3}$ vote of each house and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 83123.5 is added to the Government
2 Code, to read:
3 83123.5. (a) Upon mutual agreement between the Commission
4 and the Board of Supervisors of the County of San Bernardino,
5 the Commission is authorized to assume primary responsibility
6 for the impartial, effective administration, implementation, and
7 enforcement of a local campaign finance reform ordinance passed
8 by the Board of Supervisors of the County of San Bernardino. The
9 Commission is authorized to be the civil prosecutor responsible
10 for the civil enforcement of that local campaign finance reform

1 ordinance in accordance with this title. As the civil prosecutor of
2 the County of San Bernardino's local campaign finance reform
3 ordinance, the Commission may do both of the following:

4 (1) Investigate possible violations of the local campaign finance
5 reform ordinance.

6 (2) Bring administrative actions in accordance with this title
7 and Chapter 5 (commencing with Section 11500) of Part 1 of
8 Division 3 of Title 2.

9 (b) Any local campaign finance reform ordinance of the County
10 of San Bernardino enforced by the Commission pursuant to this
11 section shall comply with this title.

12 (c) The Board of Supervisors of the County of San Bernardino
13 shall consult with the Commission prior to adopting and amending
14 any local campaign finance reform ordinance that is subsequently
15 enforced by the Commission pursuant to this section.

16 (d) (1) The Board of Supervisors of the County of San
17 Bernardino and the Commission may enter into any agreements
18 necessary and appropriate to carry out the provisions of this section,
19 including agreements pertaining to any necessary reimbursement
20 of state costs with county funds for costs incurred by the
21 Commission in administering, implementing, or enforcing a local
22 campaign finance reform ordinance pursuant to this section.

23 (2) *An agreement entered into pursuant to this subdivision shall*
24 *not contain any form of a cancellation fee, a liquidated damages*
25 *provision, or other financial disincentive to the exercise of the*
26 *right to terminate the agreement pursuant to subdivision (e), except*
27 *that the Commission may require the Board of Supervisors of the*
28 *County of San Bernardino to pay the Commission for services*
29 *rendered and any other expenditures reasonably made by the*
30 *Commission in anticipation of services to be rendered pursuant*
31 *to the agreement in the event that the Board of Supervisors of the*
32 *County of San Bernardino terminates the agreement.*

33 (e) The Board of Supervisors of the County of San Bernardino
34 or the Commission may, at any time, by ordinance or resolution,
35 terminate an agreement made pursuant to this section for the
36 Commission to administer, implement, or enforce a local campaign
37 finance reform ordinance or any provision thereof.

38 (f) *If an agreement is entered into pursuant to this section, the*
39 *Commission shall report to the Legislature regarding the*
40 *performance of that agreement on or before January 1, 2017, and*

1 *shall submit that report in compliance with Section 9795. The*
2 *Commission shall develop the report in consultation with the*
3 *County of San Bernardino. The report shall include, but not be*
4 *limited to, all of the following:*

5 *(1) The status of the agreement.*

6 *(2) The estimated annual cost savings, if any, for the County of*
7 *San Bernardino.*

8 *(3) A summary of relevant annual performance metrics,*
9 *including measures of utilization, enforcement, and customer*
10 *satisfaction.*

11 *(4) Any public comments submitted to the Commission or the*
12 *County of San Bernardino relative to the operation of the*
13 *agreement.*

14 *(5) Any legislative recommendations.*

15 *(g) This section shall remain in effect only until January 1, 2018,*
16 *and as of that date is repealed, unless a later enacted statute, that*
17 *is enacted before January 1, 2018, deletes or extends that date.*

18 SEC. 2. The Legislature finds and declares that a special law
19 is necessary and that a general law cannot be made applicable
20 within the meaning of Section 16 of Article IV of the California
21 Constitution because of the necessity to avoid an appearance of
22 corruption in the County of San Bernardino's electoral process.
23 The proposed local campaign finance reform ordinance is intended
24 to make it more difficult for candidates and influential individuals
25 and entities to engage in quid pro quo corruption, make the
26 financing of campaigns for elective county offices more
27 transparent, and to make more information, especially financial
28 information, regarding candidates and their supporters available
29 to voters. Enforcement of the local campaign finance reform
30 ordinance by the Commission is needed to ensure the integrity of
31 the ordinance.

32 SEC. 3. The Legislature finds and declares that this bill furthers
33 the purposes of the Political Reform Act of 1974 within the
34 meaning of subdivision (a) of Section 81012 of the Government
35 Code.